

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA

3 BLUE CROSS BLUE SHIELD) 2:13-cv-04663-JS
4 ASSOCIATION, et al.,) Philadelphia, PA
5)
6 Plaintiffs,) January 12, 2016
7) 2:28 p.m.- 2:33 p.m.
8 v.)
9)
10 GLAXOSMITHKLINE, LLC,)
11 Defendants.)

12 TRANSCRIPT OF STATUS CONFERENCE
13 BEFORE THE HONORABLE JUAN R. SANCHEZ
14 UNITED STATES DISTRICT JUDGE

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29 Mid-Atlantic Region
30 1801 Market Street Suite 1800
31 Philadelphia, PA 19103
32 1-888-777-6690

33 Proceedings recorded by electronic sound recording; transcript
34 produced by transcription service.

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1 P R O C E E D I N G S

2 (DISCLAIMER: Unintelligible dialects and witness too close to
3 microphone noted as "indiscernible")

4 (Call to the Order of the Court.)

5 THE COURT: So it's pretty much a status conference.

6 I had stayed the proceedings pending the Thursday, Court of
7 Appeal's ruling on the Avandia Marketing, Sales Practices &
8 Product Liability Litigation, Term No. 14-88018 and that case
9 was recently decided.

10 So I guess this is to discuss the status of the case
11 and the impact of that case on this case as to whether we need
12 to move forward or I need to hear argument or rebrief the issue
13 that had been pending before I put the case on stay. So where
14 are we?

15 MR. O'NEIL: Your Honor, if I may?

16 THE COURT: Yes, you may.

17 MR. O'NEIL: With the Court's permission. Joseph
18 O'Neil for Glaxo Smith Kline.

19 THE COURT: Okay.

20 MR. O'NEIL: Your Honor, counsel did confer before
21 arriving here today and what we would like to suggest to the
22 Court if you're so inclined is that GSK have a 14 day period to
23 submit a short memorandum on the impact of the Avandia decision
24 and the pending Motion to Dismiss. And plaintiffs have
25 requested that if the Court grants that, our request, that they

1 be permitted 14 days to provide the Court with a short response
2 to that. And by short, we are suggesting no more than 10 pages.

3 THE COURT: Okay. Very well.

4 MR. PHILLIP: And, Your Honor, that's -- we had
5 agreed to that. It's not plaintiff's position necessarily that
6 it's necessary. To the extent the Court believes that's its
7 necessary then we're agreeable to it.

8 THE COURT: Right. I think it will be helpful so --
9 and what I will do is once I get your submissions I will quickly
10 review it and if I can rule quickly I will. This was at the
11 Motion to Dismiss status, right?

12 MR. PHILLIP: That's correct, Your Honor.

13 THE COURT: So once I rule on the motions, we'll
14 need to reconvene and if -- depending on my decision, we may
15 need to reconvene and we may need to do a case management order
16 to put in place because we didn't have anything in place, did
17 we?

18 MR. PHILLIP: No, we did not, Your Honor.

19 THE COURT: All right.

20 MR. PHILLIP: We have exchanged some initial
21 disclosures.

22 THE COURT: Right.

23 MR. PHILLIP: In connection with Rule 26 but there
24 has not been, beyond the Motion to Dismiss proceedings, there
25 hasn't been other proceedings in the case at the time that Your

1 Honor stated.

2 THE COURT: Very well. So I'll take it one step at
3 a time. Let's just first, within the next 25 to 30 days deal
4 with this review of your memos. I think I had heard argument on
5 this matter way before so I think I have a good handle on the
6 issue. And I have read the Avandia opinion. So hopefully I'll
7 be in a position to rule fairly soon after I hear -- I read your
8 submissions and depending on my ruling you may have to come back
9 in or I may ask that you meet and confer and develop a case
10 management order appropriate for this case. Okay.

11 MR. PHILLIP: That's fine, Your Honor. And just for
12 clarity sake. You just want a briefing on the Avandia decision
13 and how it was.

14 THE COURT: Right. The impact of the Avandia
15 decision and the pending -- we had a pending Motion to Dismiss
16 that was argued.

17 MR. PHILLIP: That's correct, Your Honor.

18 THE COURT: Subsequently, we put the case on stay
19 because the impact of that decision would have been, according
20 to some of you, have an impact on this case and I want to know
21 exactly what your position is with regards to the impact of
22 Avandia and this case. And what do I need to do to resolve the
23 dispute or get the case moving.

24 MR. PHILLIP: That's great. Thank you, Your Honor.

25 THE COURT: All right.

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1 MR. O'NEIL: And, Your Honor, just so the record is
2 clear. I had down that our submission would be provided to the
3 Court by January 26th and plaintiff's response, if any, would be
4 due by February the 9th.

5 THE COURT: I don't have a problem with that. So
6 then can somebody send me a proposed order with those dates and
7 I'll sign off on it?

8 MR. PHILLIP: We will.

9 THE COURT: Okay. Thank you very much. Sorry for
10 bringing you here.

11 MR. PHILLIP: Thank you very much, Your Honor.

12 THE COURT: Have a good day.

13 THE DEPUTY SHERIFF: All rise.

14 (Proceeding concluded at 2:33 p.m.)

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CERTIFICATION

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4 I, Erika B. Newton, certify that the foregoing is a
5 correct transcript from the official electronic sound recording
6 of the proceedings in the above-entitled matter.

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8 Dated: January 26, 2016

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